

UNITED STATES DISTRICT COURT

WESTERN DISTRICT OF LOUISIANA

ADRIATIC MARINE, L.L.C.

CIVIL ACTION NO.

VERSUS

**SOUTHERN STATES OFFSHORE, INC.,
M/V SOUTHERN SPIRIT, *in rem*, and
ABC INSURANCE COMPANY**

SECTION:

COMPLAINT IN ADMIRALTY

NOW INTO COURT, through undersigned counsel, comes Adriatic Marine, L.L.C., a Louisiana limited liability company doing business in the State of Louisiana, which alleges upon information and belief as follows:

PARTIES

I.

Made Defendants herein are:

- 1) Southern States Offshore, Inc., a Texas corporation, domiciled in the State of Texas, and authorized to do and doing business in the State of Louisiana;

- 2) M/V Southern Spirit, in rem, a motor vessel registered with the United States Coast Guard that is now or will be during the pendency of this action within the navigable waters of this district and within the jurisdiction of this Honorable Court; and
- 3) ABC Insurance Company, an unknown company insuring the M/V Southern Spirit and Southern States Offshore, Inc.

JURISDICTION

II.

This Honorable Court has exclusive admiralty jurisdiction over this allision pursuant to 28 U.S.C. § 1333 and 46 U.S.C. § 30101. Further, this matter is an admiralty and maritime claim within the meaning of Rule 9(h) of the Federal Rule of Civil Procedure.

VENUE

III.

Venue is proper in that the allision between the M/V Adriatic and the M/V Southern Spirit occurred at Dehyco dock, located in Cameron, Louisiana.

FACTUAL BACKGROUND

IV.

Adriatic Marine, LLC is the owner of the M/V Adriatic, a 164' offshore supply vessel, registered with the U.S. Coast Guard, Official No. 1201169.

V.

On or about February 3, 2009, the M/V Adriatic was working for Nippon Oil Exploration, performing oil field related services.

VI.

On or about February 3, 2009, at approximately 0520 hours, the M/V Adriatic was moored at Dehyco dock in Cameron, Louisiana.

VII.

The M/V Southern Spirit is owned and operated by Southern States Offshore, Inc.

VIII.

On or about February 3, 2009, at approximately 0520 hours, the M/V Southern Spirit was maneuvering around the Dehyco dock, when the port stern of the M/V Southern Spirit unexpectedly struck the port bow of the M/V Adriatic, causing damage to the M/V Adriatic.

IX.

The allision between the M/V Southern Spirit and the (docked) M/V Adriatic was not caused or contributed to by any fault or negligence on the part of the M/V Adriatic, but rather caused solely by the fault or neglect of Defendants in the following non-exclusive particulars, to-wit:

- a) Failure of Defendants to use due care and caution in operating the M/V Southern Spirit;
- b) Failing to take proper action, with due regard to good seamanship;
- c) Failing to avoid the allision with the M/V Adriatic;
- d) Owning/operating the M/V Southern Spirit with an improperly trained crew.

X.

The foregoing acts of fault or negligence were done, and incurred within the privity and knowledge of all defendants.

XI.

Because the M/V Southern Spirit was underway at the time of the allision and struck a stationary object, there is a presumption of fault or negligence on the part of Defendants.

XII.

Adriatic Marine, LLC invokes the doctrine of *res ipsa loquitur* against all defendants.

XIII.

As a result of the negligent actions of Defendants, Adriatic Marine, LLC has suffered damages (for which Defendants are liable *in solido*) including but not limited to the following:

- a) physical damage to the M/V Adriatic, estimated at \$78,000;
- b) Loss of use, loss of income, loss of revenues – for the time necessary to repair the M/V Adriatic, estimated to be three (3) weeks;
- c) Loss of use, loss of income, loss of revenues – from February 3, 2009 to April 6, 2009 (duration of job/work with Nippon) at the rate of \$7,600/day, subject to a credit for revenues received from interim jobs.

XIV.

ABS Insurance Company is the insurer of Southern States Offshore, Inc. and the M/V Southern Spirit, and is made a direct defendant herein through Louisiana's direct action statute, R.S. 22:655, for the aforestated damages arising out of the allision.

WHEREFORE, Claimant, Adriatic Marine, L.L.C., prays that there be judgment in favor of Claimant, Adriatic Marine, L.L.C., and against the Defendants, Southern States Offshore, Inc., the M/V Southern Spirit, *in rem*, and ABC Insurance Company, *in solido*, for all damages resulting herein to the M/V Adriatic.

FURTHER, Claimant prays that there be judgment against the Defendants for all costs, pre-judgment interest, and attorneys fees in this matter.

FURTHER, Claimant prays for any and all equitable relief this Honorable Court may deem appropriate.

RESPECTFULLY SUBMITTED:

PIVACH, PIVACH, HUFFT, THRIFFILEY &
NOLAN, L.L.C.
ATTORNEYS AT LAW

BY:  _____

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VERIFYING AFFIDAVIT

STATE OF LOUISIANA

PARISH OF PLAQUEMINES

BEFORE ME, the undersigned, personally came and appeared:

MARK A. PIVACH

who, after being duly sworn, did depose and say:

1. That he is a partner with the law firm of Pivach, Pivach, Hufft, Thriffley & Nolan, L.L.C., attorneys for Claimant, Adriatic Marine, LLC, in the above and foregoing captioned and numbered proceeding;
2. That he prepared the above and foregoing Complaint; that all of the allegations of fact therein contained are true and correct to the best of his knowledge, information and belief; and
3. That the sources of deponent's knowledge and the basis for his belief are information, documents, and communications obtained or received from Claimant.



MARK A. PIVACH

SWORN TO AND SUBSCRIBED
BEFORE ME THIS 29th
DAY OF JANUARY, 2010.



NOTARY PUBLIC

GEORGE PIVACH, II
NOTARY PUBLIC, PARISH OF PLAQUEMINES, STATE OF LA.
COMMISSION IS ISSUED FOR LIFE
NO. 10798